STATUS OF WOMEN

Nova Scotia Advisory Council on the Status of Women

Conseil consultatif sur la condition féminine de la Nouvelle-Écosse

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Recommendations for Revision of the Nova Scotia Police Act

August 2000

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The Nova Scotia Advisory Council on the Status of Women was established by provincial statute in 1977. The Council's mandate under the Advisory Council on the Status of Women Act is to advise the Minister Responsible for the Status of Women; and to bring forward the concerns of women in Nova Scotia.

The Council's work touches on all areas of women's lives, including...

- ♀ family life
- ♀ economics
- ♀ legal rights
- ♀ sexuality
- ♀ health
- ♀ education
- ♀ paid and unpaid work
- ♀ violence

Council pays close attention to the experiences of women who face barriers to full equality because of race, age, language, class, ethnicity, religion, ableness, sexual orientation, or various forms of family status.

We are committed to voicing women's concerns to government and the community through policy research, information services, and community development. Working cooperatively with women and equality-seeking organizations, our mission is to advance equality, fairness, and dignity for all women.

Recommendations for Revision of the Nova Scotia Police Act

Introduction

The Nova Scotia Advisory Council on the Status of Women is pleased to respond to the request for submissions from the Department of Justice on the Nova Scotia Police Act and Regulations.

The issue of public trust in the police in Nova Scotia and elsewhere is of vital importance to everyone. It is especially important to those of African-Canadian and First Nations descent in Nova Scotia because there have been well-documented incidents of institutionalized racism and discrimination in the past. The issue of public trust is also particularly relevant and important to women who have been victims of crimes such as domestic violence, stalking, or sexual assault.

Concerns about police responses to domestic violence and sexual assault cases have been expressed for a number of years by women's groups. It is certainly the case that there have been improvements in police practices and protocols in this regard. However, the issue of public trust in the extent to which individual police and police forces take these matters seriously enough is still being challenged by such things as police responses to specific incidents of violence, breaches of peace bonds, conditional sentences, and, in some cases, by the conduct of individual police officers themselves.

For example, based on the Nova Scotia Advisory Council's concerns about the specific circumstances of the case, we were instrumental in calling for an investigation into police responses relating to a recent incident of spousal homicide in Nova Scotia. In addition, the Council has intervened during the past few years (both publicly in the media and privately with police officials) about the behavior of police in several cases where officers themselves were involved as alleged perpetrators of domestic violence and sexual abuse.

It goes without saying that it is incumbent upon the police to uphold the law by properly pursuing and dealing with all cases of sexual assault and domestic violence under the Criminal Code of Canada. However, we also believe that public trust in the police demands that the police, as an organization, promotes conduct and behavior amongst its own officers which is above reproach in this regard.

Public confidence in the ability of the police to properly uphold the law is compromised when officers themselves have been perpetrators of assault or abuse. Police forces cannot afford to appear to condone such behavior. Yet, in some cases, such behavior by officers has appeared to have been treated as a minor disciplinary offence.

Acts of domestic violence and sexual assault by police officers themselves should not be tolerated. A disciplinary inquiry process, in which the public interest is seen to be protected and served, should be the norm in all cases and should result in immediate dismissal for convicted cases. However, as we outline below, we are not convinced that the present process for public complaints and internal disciplinary hearings adequately protects or serves the public interest.

Failure to have an open and transparent process has the effect of eroding public trust in the police. It is with these concerns in mind that we make the following comments on the Nova Scotia Police Act. Our comments will focus on two issues:

(1) the process for complaints, internal investigations and disciplinary action and disciplinary action; and

(2) the training and recruitment of officers.

Besides the experience of the Nova Scotia Advisory Council on the Status of Women in addressing direct or indirect complaints on issues related to domestic violence and sexual assault, in preparing our response on the process for complaints and investigations, we sought assistance and advice on the topic from an expert in the field, Dr. Philip Stenning, of the University of Toronto. We also examined in detail the current *Nova Scotia Police Act and Regulations,* as well as summaries of the Acts and Regulations of other provinces which are available on the internet (www.opcc.bc.ca), and consulted the policies and practices of somewhat comparable bodies such as the College of Physicians and Surgeons of Nova Scotia and the Nova Scotia Barristers' Society. In addition, the Department of Justice were helpful in providing us with demographic statistical breakdowns of the racial and gender composition of police forces in Nova Scotia.

From this investigation, we found that the policies and protocols of police and other comparable institutions vary considerable regarding the process for investigating complaints. However, it is apparent that the issues of public trust, citizen oversight and transparency of the process are not only current issues of public concern but are of concern within and amongst various police jurisdictions and other organizations as well. It is, therefore, encouraging to know that these issues are beginning to be examined, and in some cases addressed, through the sharing of ideas, knowledge and information, and through public consultation and review processes such as this one.

Process for Complaints, Internal Investigations, and Disciplinary Action

It is possible for cases to be matters of concern to the public interest or public trust, but, for a variety of reasons (including possible repercussions, or privacy), the individual affected declines to lay a complaint or is reluctant to sign a complaint form. We believe, therefore, that public interest would be better served if third parties, with or without the consent of the person directly affected by the event, could lay complaints. We note that this is now the case under the B.C. Police Act.

We also believe that there could be a greater role for the Police Commission in this regard. We note that, in the British Columbia legislation, the Commission can take those complaints designated public trust complaints to a hearing, even in cases where the complainant has not applied to do so.

We recognize the benefits of an expeditious process for everyone concerned. However, we believe that the time limits in the Nova Scotia Police Act are not conducive with the need to foster public trust. Again, we cite the British Columbia legislation which allows a complaint to be laid for events which occur within the previous twelve months as compared with the thirty day time limit in the Nova Scotia legislation.

One of our concerns is that the respective processes involved in public complaints and internal disciplinary matters can sometimes create a false distinction between "public trust" and "internal discipline." It could be the case, for example, that an internal disciplinary matter which has not emanated from a public complaint (laid by the person affected or a third party) is still an issue of public trust -- whether it eventually comes to the attention of the public or not.

We think that if the following measures were introduced into the hearing process (whether this emanates from a public complaint or an internal discipline matter), it could help to deal with this problem, improve community-police relations, and increase public trust in the police generally.

We recommend that:

- Disciplinary hearings that involve serious breaches of conduct on the part of a police officer and which put in jeopardy the duty to serve and protect the public should be open to the public whether these emerge from a public complaint or not.

- Where appropriate, expert witnesses should be allowed to testify about the impact of the conduct on public safety and public trust.

- We are pleased to note that citizens are represented on the Nova Scotia Police Review Board and that there is fair representation of women. However, we recommend that the Commission require all local boards to include citizen representation, ensuring that there is gender parity and fair representation from racial groups to reflect the communities in which the police do their work.

- We also note that reports on the disposition of breaches of conduct on the part of the police are filed with the Nova Scotia Police Commission. We recommend that the Commission continue to make this information available to the public by publishing reports and statistical information annually.

Training and Recruitment of Officers

If police services in Nova Scotia are to have the full confidence and public trust of all segments of the populations, including women and racial and cultural minority groups, then the force itself must become more reflective of the gender, racial, and cultural composition of the population as a whole.

Recent statistics obtained from the Department of Justice demonstrate the problem. In total, only about 8 percent of police officers in municipal police forces in Nova Scotia are female. Five municipal police forces have no female police officers at all. Visible minorities and Aboriginals are also under-represented. For example, according to the statistics, there are only 18 officers from the visible minority population and 11 of these are in the Halifax Regional Municipality. There are only 16 officers from the Aboriginal population and thirteen of these work for the Unama'ki Tribal Police.

Gender, racial, and cultural sensitivity are recognized as important aspects of policing today. While the public expects all officers to be fully trained in these areas, an increase in representation of gender, cultural, and racial diversity to municipal police forces would not only assist the police legitimacy and maintain public trust on the part of all segments of the population, but would also help to objectively improve the standard of services provided by police.

We recommend that:

- The Nova Scotia government ensure that the training institutions which prepare recruits for the municipal police forces in Nova Scotia (presently the Atlantic Police Academy and the Canadian Police College), take measures to attract and recruit more female trainees and trainees which reflect the racial and cultural diversity of the province.

- The Nova Scotia government ensure that training of recruits in the designated police academies includes rigorous training on the code of conduct for police, cultural awareness, and gender sensitivity training, including training on appropriate practice and conduct in areas related to domestic violence, criminal harassment, and sexual assault.

- The Nova Scotia government should ensure that police forces continue to offer professional development training for police on domestic violence, criminal harassment, and sexual assault issues.

- The Nova Scotia Police Commission take measures to improve the recruitment of female officers and officers which reflect the racial and cultural diversity of communities in Nova Scotia by developing employment equity guidelines within its policy guidelines for recruitment.

- The Nova Scotia Police Commission maintain up-to-date statistical records of recruitment and the demographic composition of the police forces in Nova Scotia so that progress in the recruitment and retention of female, visible minority, and Aboriginal officers can be measured and monitored.

- That the Nova Scotia Police Commission use these statistics and other data to periodically evaluated the recruitment and retention practices of the police forces in Nova Scotia.

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